

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 5, 2006

D047554 In re Shirley K., a Juvenile

The orders and findings of the trial court are reversed. The matter is remanded to the trial court to determine whether Shirley's interests are best served by an order returning her to Grandparents' care or, in the alternative, by a grant of liberal visitation. CERTIFIED FOR PUBLICATION. McIntyre, J.; We Concur: McConnell, P.J., O'Rourke, J.

D047841 Liker et al. v. The Foundation for the Preservation of the Mt. Helix Nature Theater

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately. Each party to bear own costs on appeal.

D048478 Laura A. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Laura A. has notified the court that a petition for writ of mandate under California Rules of Court, rule 38.1 and 1436.5 will not be filed as there are no viable issues for writ review. The case is dismissed.

D046429 In re the Marriage of Fuesler

The petition for rehearing is denied. The request for publication is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 6, 2006

D046199 Crane Development Corporation v. Ketcham Forest Products, Inc.
The petition for rehearing is denied.

D048142 In re Keithan P., a Juvenile
Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rules 17(a)(1), 37.3(b)(5), and 37.4(a)(2). The appeal is dismissed.

D047034 People v. Martin
The appeal is dismissed. Huffman, Acting P.J.; We Concur: Nares, J., Aaron, J.

D045998 Rodriquez v. San Diego City Attorney, etc. et al.
The appeal is dismissed. Defendants shall recover their costs on appeal. O'Rourke, J.; We Concur: Nares, Acting P.J., Irion, J.

D047628 People v. Henry
The judgment is affirmed. Huffman, Acting P.J.; We Concur: Nares, J., McIntyre, J.

D048332 In re Moses on Habeas Corpus
The petition is denied.

D046857 In re Alve on Habeas Corpus
The petition for rehearing is denied.

D046858 In re Alve on Habeas Corpus
The petition for rehearing is denied.

D048435 In re Vivar on Habeas Corpus
The petition is denied.

D048603 Erin K. v. Superior Court of San Diego County/ San Diego County Health and Human Services Agency
The attorney for petitioner Erin K. has notified the court that a petition for writ of mandate under California Rules of Court, rule 38.1 and 1436.5 will not be filed as there are no viable issues for writ review. The case is dismissed.

D048477 In re Acosta on Habeas Corpus
The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 7, 2006

D047644 People v. Allen

The judgment is affirmed. Aaron, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

D047094 In re Francisco W., a Juvenile

The petition for rehearing filed June 2, 2006 by the Minor is denied and the petition for rehearing filed by the Appellant on June 5, 2006 is also denied.

D046789 People v. Walker

The judgment is affirmed. McIntyre, J.; We Concur: McConnell, P.J., Nares, J.

D045846 People v. Sandoval

The judgment is reversed and the matter is remanded to the trial court. In the interest of justice, the matter shall be reassigned to a different judge. The trial court is directed to strike from the superior court file the information "amended by interlineation 11-17-05 nunc pro tunc to 09-28-04." The trial court shall allow Sandoval to file a new motion to withdraw his plea of guilty within 30 days of the finality of this opinion. If Sandoval timely files such a motion, the court is directed to grant the motion and allow Sandoval to withdraw his guilty plea. If Sandoval does not timely file a motion to withdraw his guilty plea, the trial court shall reinstate the judgment. CERTIFIED FOR PUBLICATION. Aaron, J.; We Concur: McConnell, P.J., Huffman, J.

D048439 Guittard v. Guittard

The court's order dated May 11, 2006 is corrected to read: The appeal filed April 14, 2006, is dismissed because appellant did not timely pay the filing fee for the appeal. (Cal. Rules of Court, rule 1(c)(5)).

D047831 People v. Esquivel

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 7, 2006 (Continued)

D047575 People v. Alee

The judgment is affirmed. Benke, Acting P.J.; We Concur: Nares, J., O'Rourke, J.

D046491 People v. McNeal

The appeal is dismissed as moot. McIntyre, J.; We Concur: McConnell, P.J., Benke, J.

**D048741 In re Jessica R. v. The Superior Court of San Diego County/San Diego
County Health and Human Services Agency**

The petition and request for stay are denied.

D047043 El Cajon Police Officers' Association v. City of El Cajon

The request for publication is denied.

**D048465 DCSS, Inc. et al. v. Superior Court of San Diego County/California Capital
Insurance Companies et al.**

The petition is denied.

D048709 People v. Miller

The notice of appeal filed on May 26, 2006, the "Notice of Motion to Vacate Judgment" and the San Diego Superior Court order dated May 8, 2006, have been read and considered by Presiding Justice McConnell and Associate Justices Benke and McIntyre. Appellant Russell Miller seeks review of the superior court's order denying his post-appeal petition to modify a restitution order imposed at sentencing on October 11, 2001. The order is in essence a denial of a petition for habeas corpus relief. It is not reviewable on appeal. The appeal is dismissed.

D048220 In re Reynante Pre

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 8, 2006

D045022 People v. Garces

The count 1 murder conviction is reversed. In all other respects, the judgment is affirmed.
Huffman, J.; We Concur: McIntyre, J., Aaron, J.

D047542 People v. Sweet

The judgment is affirmed. McConnell, P.J.; We Concur: Nares, J., O'Rourke, J.

D047461 People v. McGowan

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately.

D046884 People v. Taitague

The judgment is affirmed. Haller, J.; We Concur: Huffman, Acting P.J., Aaron, J.

D045795 Brook Hills Homeowners Association v. Bass et al.

The request for publication is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 9, 2006

D046210 People v. Villalobos

The judgment is affirmed. Haller, J.; We Concur: Benke, Acting P.J., Aaron, J.

D048512 In re Busch on Habeas Corpus

The petition is denied.